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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,275	06/01/2006	Walter Stephan	P71261USD	3152
136 7590 10/14/2009 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER BONZELL, PHILIP J				
ART UNIT		PAPER NUMBER		
3644				
MAIL DATE		DELIVERY MODE		
10/14/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,275

Applicant(s)

STEPHAN ET AL.

Examiner

PHILIP J. BONZELL

Art Unit

3644

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 7, 8, 10-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 8, 10-13, 15, and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/20/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 7, 10, 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bargull (US Patent #5839694) in view of Mikalonis (US Patent #5441326), Bossert (US Patent #5282556), and Burrows (US PgPub #2002/0175244).

a. For Claims 1, 7, 10, 12, 13, and 15, figures 1 and 3 of Bargull '694 disclose a device comprising a ceiling-side connecting element (19) that is arranged between upwardly extending bracket extensions (16) of the end-side walls (14) so as to be integrated into the luggage stowage compartment (1)

which has a top wall (13) and a bottom (11). The extensions (16) are upwardly projecting bracket and the connecting element (19) is configured as a ledge that is fastened at two positions to the luggage stowage compartment so as to be unshiftable in a longitudinal direction. While Bargull '694 discloses that the connection element is made out of metal, it is silent about using fiber-glass reinforced synthetic material, however, column 1, lines 22-23 of Mikalonis '326 teaches, "elongated panel member preferably formed by pultrusion from resin and glass fibers". Therefore it have been obvious to someone of ordinary skill in the art at the time of the invention to modify Bargull '694 with the fiber glass of Mikalonis '326 in order to create a structure that is strong and light.

b. While figure 3 of Bargull '694 teaches mounting or fastening the ledge to the ceiling wall of the luggage compartment, it is silent about using glue. However, column 4, lines 46-47 of Bossert '556 teaches, "Glues, metal pins, screws, or other fasteners can be used to join non-integrally formed walls together." Therefore it would have been obvious to someone of ordinary skill in the art to modify Bargull '694 with the glue of Bossert '556 in order to mount the ledge to the luggage compartment as it requires fewer parts and therefore simplifies and lightens the system.

c. While Bargull '694 discloses in figure 1 a force introducing element (16C) provided the luggage stowage compartment, it is silent about the force-introducing element being a bushing or a lug, however, figures 2B and 3A of Burrows '244 teaches a force-introducing element (54) with a lug (6) that is

provided on a bracket of the side wall. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bargull '694 with the lug of Burrows '244 in order to provide a light weight force-introducing element.

d. For Claim 5, figure 3 of Bargull '694 discloses a ledge or reinforcement on the left side of the connecting element (19) therefore making the connecting element L-shaped.

3. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Bargull (US Patent #5839694) in view of Mikalonis (US Patent #5441326) and Bossert (US Patent #5282556) as applied to claim 1 above, and further in view of Spencer (US Patent #5842668). While Bargull '694 discloses an edge (28) in figure 2 that would distribute the forces on the bottom side of the stowage compartment, figure 6 of Spencer '668 teaches a bull nose or bottom carrier (28) at the bottom of the compartment that distributes forces. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Bargull '694, Mikalonis '326, and Bossert '556 with the bottom carrier of Spencer '668 in order to more rigidly distribute the forces along the bottom of the compartment.

4. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bargull (US Patent #5839694) in view of Mikalonis (US Patent #5441326) and Bossert (US Patent #5282556) as applied to claim 1 above, and further in view of

Stephan (US Patent #5817409). Bargull '694, Mikalonis '326, and Bossert '556 are silent about the use of carbon fiber, however, column 12, lines 10-11 of Stephan '409 teaches the use of carbon fiber in the construction of a luggage compartment. Therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to modify Bargull '694, Mikalonis '326, and Bossert '556 with carbon fiber of Stephan '409 in order to create a structure that is strong and light and well known in the art.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 15 have been considered but are moot in view of the new ground(s) of rejection. Burrows '244 has been added to teach using a lug as a force-introducing element.

Response to Arguments

6. Applicant's arguments filed 7/20/2009 have been fully considered but they are not persuasive.

a. With respect to the first argument on page 8 that Bargull '694 does not teach that bracket extensions (16) as extensions of the side wall, the Examiner respectfully disagrees. Figures 1 and 3 of Bargull '694 clearly disclose that the bracket extensions (16) continue the sidewall up. While they are not exactly in the same plane of the side wall (not claimed) as they are riveted on to the ceiling of the compartment they do extend the sidewall upwards.

- b. With respect to the second argument on page 9 that Bargull '694 does not disclose that the crossbars are arranged to distribute forces, all structural limitations of the claim were met by the prior art references and there for it is not seem how force would not be distributed as claimed.
- c. With respect to the third argument on pages 9-10 that Mikalonis '326 is not properly combined with Bargull '694, the Examiner respectfully disagrees. Mikalonis '326 is used to show that fiber-reinforced synthetic material is know to be used in luggage compartments and it is well know that fiber-reinforced materials are strong an lighter weight then metals.
- d. With respect to the forth argument on page 10 that Bossert '556 does not provide an obvious reason to combine it with Bargull '694, the Examiner respectfully disagrees. Bossert '556 clearly teaches that it is well known to use many different connecting techniques which can be changed out including screws as in Bargull '694 or glue as in Bossert '556.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. BONZELL whose telephone number is (571)270-3663. The examiner can normally be reached on M-Th 8-5;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571)272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. J. B./
Examiner, Art Unit 3644

pjb

/Tien Dinh/
Primary Examiner, Art Unit 3644